

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
No. 10 CR 617
Honorable Amy St. Eve
JOEL RIVAS,)
Defendant.)

**DEFENDANT JOEL RIVAS UNOPPOSED EMERGENCY MOTION TO EXTEND
DATE FOR FILING POST TRIAL MOTIONS**

Defendant Joel Rivas, by his attorney, Linda Amdur, hereby requests 45-day extension pursuant to Rule 45(b) of the Federal Rules of Criminal Procedure to file Motion For Judgement of Acquittal and Motion For New Trial respectively pursuant to Rules 29 and 33 of the Federal Rules of Criminal Procedure. In support of this Motion, the following is offered:

1. On July 18, 2013, Defendant Joel Rivas was found guilty of (1) conspiracy to possess with intent to distribute and to distribute 5 kilograms or more of cocaine and a quantity of marijuana, in violation of 21 U.S.C. § 846 (Count One); (2) possession with intent to distribute cocaine and a detectable quantity of marijuana, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count Two); (3) possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924 (c) (Count Three); and two counts of unlawful possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924 (e) (Counts Four and Five).

2. Mr. Rivas wishes to file Motion for Judgment of Acquittal and Motion for New Trial.
In the Motion for Judgement of Acquittal, Mr. Rivas will argue that there was insufficient

evidence to support the verdict that he conspired to possess with intent to distribute 5 kilograms of more of cocaine. In the Motion for New Trial, Mr. Rivas will argue that jury instructions pertaining to this issue were in error.

3. Mr. Rivas Motion for Judgement of Acquittal should be fact-intensive as to the evidence at trial and as to the specific arguments made by the government during its opening argument.

Mr. Rivas must provide an accurate detailed restatement of the evidence at trial pertaining to drug quantity and an accurate detailed restatement of the government's opening statement.

5. Mr. Rivas attorney cannot provide accurate detail in order to effectively represent Mr. Rivas without a transcript of the trial and opening argument.

6. This Motion is not made for purposes of delay.

7. AUSA Joseph Thompson has no objection to this Motion.

Wherefore, Defendant Joel Rivas requests that this Court grant a 45-day extension to file post trial motions and authorize pursuant to the Criminal Justice Act transcript of the testimony of witnesses at trial and government opening argument.

Respectfully submitted,

S/Linda Amdur

Linda Amdur, Attorney for
Defendant Joel Rivas

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